

## **PFAS GROUNDWATER CONTAMINATION CANNON AFB—CLOVIS, NM**

### **BACKGROUND:**

- Per- and polyfluoroalkyl substances (PFAS) are a group of chemicals used since the 1940s and found in many consumer products. Certain PFAS have been used in large volumes as Aqueous Film Forming Foam for fighting petroleum fires.
- EPA issued a lifetime health advisory (HA) number of 70 ng/l (or 70 ppt) as the cumulative screening level for PFOA/PFOS in drinking water in May 2016.
- A Site Inspection Report (August 2018) documented the presence of PFAS in groundwater, soil, sediment and surface water at Cannon AFB. If residential wells were impacted above the EPA HA, bottled water was provided.
- PFAS detected in the agricultural supply water of two dairies and in the milk from cows at one dairy, prompted the owner to discard 15,000 gallons of milk each day. The dairy farmers are seeking financial relief through USDA's Livestock Indemnity Program.
- The two dairies have filed notices of intent to sue under RCRA 7003 for imminent and substantial endangerment pursuant to the citizen suit provision. They are asking the Air Force (AF) to prevent the contaminated groundwater from reaching their property.

### **KEY POINTS:**

- Cannon AFB is not on the National Priorities List.
- Cannon AFB is investigating PFAS under the direction of the New Mexico Environmental Department, the are the site regulator.
- On January 17, 2019, the U.S. DOJ, on behalf of the AF, filed suit in U.S. District Court challenging the RCRA permit's definition of hazardous waste that includes PFAS compounds. The complaint says that the permit's definition is inconsistent with both RCRA and the New Mexico Hazardous Waste Act and is barred by sovereign immunity.
- On March 5, 2019, the State of New Mexico filed an imminent and substantial endangerment complaint against the US Air Force at Cannon AFB and Holloman AFB for releases of PFAS into the environment.
- The Governor of New Mexico raised her concerns about PFAS and Cannon.
- Congressional Interest: Senators Udall and Heinrich, and other members of the NM delegation, have great interest in Cannon due to impacts on the Ogallala Aquifer and dairy farms, the leading agricultural industry in the state (more than \$1.3 billion in annual revenue). Udall and staff met with the affected farmers, community, local officials, New Mexico regulators, EPA and Air Force. He also raised this issue during the confirmation floor vote for Administrator Wheeler.

### **TALKING POINTS:**

- The EPA issued a comprehensive nationwide PFAS action plan in February.
- The EPA continues to monitor the PFAS contamination at Cannon Air Force Base.
- The EPA is aware of the lawsuit between Air Force and New Mexico over the scope of the Cannon Air Force Base RCRA Corrective Action permit and Air Force's assertion of sovereign immunity.
- The EPA, along with the State of New Mexico and other federal partners, are exploring opportunities to clarify regulatory options for addressing PFAS contamination.